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PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

PROTESTS OF GRANTEE PROCUREMENT ACTIONS UNDER GRANTS FOR CONSTRUCTION OF PUBLICLY OWNED TREATMENT WORKS

Subject Index List of Regional Administrator Protest Determinations

ENVIRONMENTAL PROTECTION AGENCY

[FRL 913-6]

PROTESTS OF GRANTEE PROCUREMENT ACTIONS UNDER GRANTS FOR CONSTRUCTION OF PUBLICLY OWNED TREATMENT WORKS

Subject Index List of Regional Administrator Protest Determinations

This notice provides a subject matter index of Regional Administrator protest determinations issued under 40 CFR § 35.939 (July 1, 1977 ed.). The bid protest process is a management by exception technique to review grantee procurement for compliance with minimum standards, principally, under the construction grants program of the Environmental Protection Agency. Each determination constitutes final Agency action from which there is no further administrative appeal. 40 CFR § 35.939(e)(3).

The subject listing contains the determinations issued from the introduction of the protest process (see 39 FR 5252; February 11, 1974), through December 31, 1977. The subject headings reflect issues which may arise in the EPA protest process. Citations to relevant EPA regulations are provided, where applicable. For administrative convenience, these citations are to the July 1, 1977 edition of Title 40 of the Code of Federal Regulations. Asterisked determinations contain a particularly expansive discussion or important resolution of the subject indexed.

The determinations are cited informally, for administrative convenience. The preferred citation form is, *Grantee, State* (EPA Region —, full date of determination) (Protest of ——).

We expect to publish the text of the bid protest determinations within the next several months. In the meantime, copies of individual decisions may be examined or obtained from the EPA Regional Counsels or from the headquarters source identified below.

Interested parties are invited to submit comments concerning improvement, or correction, of the subject index list to Joseph M. Zorc, Assistant General Counsel, Grants (A-134), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460. Comments should be made within sixty (60) days of this publication.

FOR FURTHER INFORMATION CONTACT:

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Dated: June 12, 1978.

JOAN Z. BERNSTEIN,
General Counsel.

Ambiguity (but *see Bids; Mistake*).

1. Huntington, West Virginia (III, 4-9-76) (National Engineering and Contracting Co.; and Envirotech Corp.)
2. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (BSP Division of Envirotech Corp.)

Architect/Engineering Procurement (§ 35.937).

1. Bridgewater, New Jersey (II, 3-31-76) (Havens and Emerson, Ltd.)
2. Berkeley - Charleston - Dorchester, South Carolina (IV, 7-19-76) (§ 208 grant) (Davis & Floyd Engineers Inc.)

*3. Lynn, Massachusetts (I, 10-21-76) (Clinton Bogert Associates)

4. Bridgeport, Connecticut (I, 11-22-76) (Connecticut Engineers in Private Practice)
5. Rhode Island Statewide Planning Program (I, 3-4-77) (§ 208 grant) (C. E. Maguire Inc.)
6. Rhode Island Statewide Planning Program (I, 3-26-77) (§ 208 grant) (C. E. Maguire Inc.)
7. Atlanta, Georgia (IV, 5-11-77) (Mayer and Associates)

*8. San Francisco, California (IX, 6-20-77) (McKee-Berger-Mansueto Inc.)

Award-Prime Contract (e.g. pending resolution of subcontract issue).

1. Grand Forks, North Dakota (VIII, 8-15-74) (Komline-Sanderson)
2. Omaha, Nebraska (VII, 9-14-74) (Datamaster Division—ACCO)
3. Spokane, Washington (X, 1-9-76) (BBR Prestressed Tanks Inc.)

*4. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)

Bid Shopping.

*1. Hollywood, Florida (IV, 3-13-74) (Morganti-South Inc.)

2. Jacksonville, Florida (IV, 8-12-74) (Adrian Construction Corp.)
3. Washington Suburban Sanitary Commission, Maryland (III, 10-15-75) (Volpe Construction Co.; and John C. Grimberg Co.)
4. Winter Haven, Florida (IV, 11-26-75) (Griffin Construction Co.)

*5. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (George Hyman Construction Co.)

*6. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 6-24-76) (Savoy Construction Co.)

7. Amherst, New York (II, 7-2-76) (Air Products & Chemicals Inc.)
8. York, Pennsylvania (III, 4-22-77) (Union Carbide Corp.)

*9. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-3-77) (Palco; and Kraus-Anderson)

Bids (see, Formal Advertising; Mistake).

(A) *Late:*

1. Rawlins, Wyoming (VIII, 11-16-77) (Wind River Constructors Inc.)

(B) *Modification:*

1. Gainesville-Alachua County * * * Board, Florida (IV, 7-10-75) (Grumman Ecosystems)
2. Monroe, Washington (X, 12-31-75) (Will Construction Co.)
3. Concord, North Carolina (IV, 10-8-76) (Mercury Construction Corp.)
4. Gary, Indiana (V, 10-19-76) (Pora Construction Co.; and the Robinson Group, Inc.)
5. Lynden, Washington (X, 5-16-77) (oral) (Arcomm Construction Co.)

(C) *Unbalanced:*

1. Omaha, Nebraska (VII, 9-14-74) (Datamaster Division—ACCO)

*2. Philadelphia, Pennsylvania (Northeast Plant) (III, 12-6-76) (Sovereign Construction Co.)

3. Bridgewater, New Jersey (II, 12-2-77) (Lombardo Contracting Co.)

*4. Ramsey, New Jersey (II, 12-2-77) (P. & A. Construction Co.)

Bonds (§§ 35.935-3 and 35.936-13(c)).

1. Lexington, Virginia (III, 8-14-74) (surety bond; subcontractor performance) (Hydro Systems, Inc.)
2. Manitowoc, Wisconsin (V, 12-18-74) (Paul A. Lawrence Co.)
3. Clearwater, Florida (IV, 3-14-75) (bid bond) (Harry Pepper & Associates)
4. Bradford, Vermont (I, 6-6-77) (Carvel Co.)
5. Cumming, Georgia (IV, 9-28-77) (performance bond) (Newkirk Construction Co.)
6. Kansas City, Kansas (VII, 11-17-77) (experience bond) (Nichols Engineering and Research Corp.; and Zimpro, Inc.)

*7. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (experience bond) (BSP Division of Envirotech Corp.)

Burden of Proof (§ 35.939(g)).

1. Omaha, Nebraska (VII, 9-14-74) (Datamaster Division—ACCO)
2. Grand Forks, North Dakota (VIII, 9-25-74) (Komline-Sanderson)
3. Phoenix, New York (II, 5-7-76) (Vincent J. Fasano Inc.)
4. Round Hill, Virginia (III, 5-13-76) (Frank L. Black Jr.)
5. Sioux City, Iowa (VII, 7-12-76) (U.S. Enviro-Con, Inc.)
6. Norwalk, Connecticut (I, 11-16-76) (Brunalli Construction Co.)
7. Fairfax, Virginia (III, 4-14-77) (Concrete Pipe & Products Inc.)
8. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-3-77) (Palco; and Kraus-Anderson)
9. Montgomery, Alabama (IV, 5-11-77) (Envirotech Corp.)
10. Ceres, California (IX, 6-20-77) (W. M. Lyles Co.)
11. Pepperell, Massachusetts (I, 11-22-77) (Catamount Construction Co.)

Buy American Act Requirements (Recently made applicable by Section 215 of the Clean Water Act of 1977; Pub. L. No. 95-217).

Choice of Law—General.

1. Alexandria, Virginia (III, 4-4-75) (taxes) (John C. Grimberg, Inc.)
2. Davenport, Iowa (VII, 4-11-75) (Lametti & Sons)
3. Fresno, California (IX, 7-10-75) (Dorfman Construction Co.)
4. Tahoe-Truckee Sanitation Agency, California (IX, 8-21-75) (Jos. Ramos Co.; and Contri-Hood)
5. Henry, South Dakota (VIII, 9-15-75) (Henningsen Construction Co.)
6. Sunnyvale, California (IX, 12-5-75) (ABF Contractors)
7. Clark County (Las Vegas), Sanitary District (No. 1), Nevada (IX, 12-24-75) (Bovee & Crail Construction Co.)
8. Palmer Lake, Colorado (VIII, 1-16-76) (Dugan Construction Co.)
9. Ruston, Louisiana (VI, 3-18-76) (Allan J. Harris Co., Inc.)
10. Concord, North Carolina (IV, 10-8-76) (Mercury Construction Co.)
*11. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 12-3-76) (Kvalsten Electric)
12. Bradford, Vermont (I, 3-4-77) (Cummings)
*13. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-3-77) (Palco; and Kraus-Anderson)

Choice of Law—Federal Procurement Law, Applicability of (§ 35.936-10).

1. Denver (City), Colorado (VIII, 4-22-74) (Pinkard Donovan)
2. Englewood and Littleton, Colorado (VIII, 2-10-75) (Air Products & Chemicals Inc.)
3. Woonsocket, Rhode Island (I, 6-20-75) (Westcott Construction Co.)
4. South Portland, Maine (I, 10-7-75) (Pizzagalli Construction Co.)
5. Winter Haven, Florida (IV 11-26-75) (Griffin Construction Co.)

Choice of Law—Fundamental Federal Procurement Principles (*see* also, *Rational Basis Test*).

*1. Monroe, Washington (X, 1-9-76) (Will Construction Co.)
2. Bergen County, New Jersey (II, 9-28-76) (Wm. L. Crow-Wolff & Munier, Joint Venture)
3. Puerto Rico Aqueduct & Sewer Authority (II, 3-31-77) (Blythe Industries, Inc.)
4. Lynden, Washington (X, 5-16-77) (Arcomm Construction Co.)
5. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-24-77) (Eimco-BSP Services Co.)
6. Cheektowaga, New York (II, 8-31-77) (Amadori Construction Co.)
7. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)
8. Brick Township, New Jersey (II, 11-22-77) (P & A Construction Co.)
9. Corvallis, Oregion (X, 12-6-77) (Frank Coluccio Construction Co.)

Choice of Law—GAO Decisions, Effects of (§ 35.939(f)).

1. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 11-13-75) (John C. Grimberg Inc.)
2. Huntington, West Virginia (III, 4-9-76) (National Engineering and Contracting Co.; and Envirotech Corp.)
3. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 6-24-76) (Savoy Construction Co.)
4. Ft. Lauderdale, Florida (IV, 7-18-77) (Inman Inc.)
5. Rawlins, Wyoming (VIII, 11-16-77) (Wind River Constructors, Inc.)
6. Bridgewater, New Jersey (II, 12-2-77) (Lombardo Contracting Co.)
7. Ramsey, New Jersey (II, 12-2-77) (P. & A. Construction Co.)

Choice of Law—State Law, Applicability of (§§ 35.936-2; 35.937-5; 35.939(j)(3)).

1. Lowell, Massachusetts (I, 4-1-76) (United Electrical Contractors)
2. Lowell, Massachusetts (I, 4-2-76) (Honeywell Corp.)
3. Haverstraw, New York (II, 6-24-76) (Fletcher Creamer & Son)
4. Denver (City and County), Colorado (VIII, 7-9-76) (Frank Briscoe Co., Inc.)
5. McKinleyville Community Sanitary District (Humboldt Co.), California (IX, 8-13-76) (McGuire & Hester)
6. San Mateo, California (IX, 8-17-76) (Elmer Freethy)
7. Middlesex (Bound Brook Pump Station), New Jersey (II, 6-3-77) (Campenella Construction Co.)
8. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (Terminal Construction Co.)
9. San Francisco, California (IX, 6-20-77) (McKee-Berger-Mansueto)
10. Sonoma, California (IX, 6-30-77) (P. C. Jensen)
11. Cumming, Georgia (IV, 9-28-77) (NewKirk Construction Co.)

Competition (§ 35.936).

(A) *DeFacto:*

1. Cleveland Regional Sewer District (Southerly Plant), Ohio (V, 11-15-76) (Powercon Corp.)
2. Hope, Arkansas (VI, 9-1-77) (pipe) (Hydro Conduit; Choctaw Culvert (Division of Choctaw Inc.); Jonesboro Concrete Pipe Co.)
3. Contra Costa County, California (IX, 10-25-77) (Armco Steel)

(B) *General—free and open:*

1. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (George Hyman Construction Co.)
2. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 6-24-76) (subcontractor listing) (Savoy Construction Co.)
3. Chatham County (Isle of Hope), Georgia (IV, 7-8-76) (pipe) (Kyle-Gifford-Hill Inc.)
4. Westchester County, New York (II, 9-7-76) (Union Carbide Corp.)
5. Bergen County, New Jersey (II, 9-28-76) (Wm. L. Crow-Wolff & Munier, Joint Venture)
6. Greenwood (Rocky-Coronaca), South Carolina (IV, 10-6-76) (pipe) (Metromount Materials; Carolina Concrete Pipe Co.; Wallace Concrete Pipe Co., Inc.; South Carolina Pipe Association; Amoco Reinforced Plastics Co.)
*7. Palm Beach County, Florida (IV, 10-8-76) (pipe) (Price Brothers)
*8. Waterford, Connecticut (I, 3-4-77) (Loc Pump and Equipment)
9. Puerto Rico Aqueduct and Sewer Authority (II, 3-31-77) (Blythe Industries, Inc.)
10. Pasadena, Texas (VI, 4-1-77) (Union Carbide Corp.)
11. Parsippany-Troy Hills, New Jersey (II, 7-8-77) (Frank Briscoe)
12. Jackson, Mississippi (IV, 8-19-77) (pipe) (American Cast Iron Pipe Company)
13. Cheektowaga, New York (II, 8-31-77) (Amadori Construction Co.)
14. Orange County, California (IX, 11-2-77) (Pentech Division of Houdaille Industries)
15. Ramsey, New Jersey (II, 12-2-77) (P. & A. Construction Co.)
*16. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (BSP Division of Envirotech Corp.)

Conflict of Interest.

1. Atlanta, Georgia (IV, 5-11-77) (Mayer & Associates)

Davis-Bacon Act.

Deferral of Procurement Action (§ 35.939(h)).

1. Westchester Co., New York (II, 3-3-76) (General Building Contractors)
2. Lynn, Massachusetts (I, 10-21-76) (A/E) (Clinton Bogert Associates)
3. Rhode Island Statewide Planning Program (I, 4-26-77) (§ 208 grant) (C. E. Maguire Inc.)
4. Jackson, Mississippi (IV, 8-19-77) (restrictive specifications) (American Cast Iron Pipe Co.)
5. Toms Brook-Maurertown, Virginia (III, 9-20-77) (National Hydro Systems)
6. Contra Costa County, California (IX, 10-25-77) (Armco Steel)

Descriptive Literature Requirement (*see* also, *Responsiveness; Responsibility.*)

1. South Portland, Main (I, 10-7-75) (Pizzagalli Construction Co.)
2. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 11-13-75) (John C. Grimberg)
3. Miami-Dade Water and Sewer Authority, Florida (IV, 9-27-76) (Altman-Myers Construction Inc.)
4. Norwalk, Connecticut (I, 7-22-77) (Primiano Construction Co.)

Enforcement.

1. Lexington, Virginia (III, 8-14-74) (bond) (Hydro-Systems Inc.)

2. Grand Forks, North Dakota (VIII, 8-15-74) (Komline-Sanderson)
3. Lake Charles, Louisiana (VI, 12-15-74) (Flygt Corp.)
4. Tonawanda, New York (II, 8-1-75) (Ingersoll-Rand)
5. Clark Co. (Las Vegas) Sanitary District (No. 1) Nevada (IX, 12-24-75) (alternative) (Bovee & Crail Construction Co.)
*6. Spokane, Washington (X, 1-9-76) (BBR Prestressed Tanks Inc.)
7. Palmer Lake, Colorado (VIII, 1-16-76) (Dugan Construction Co.)
8. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (George Hyman Construction Co.)
9. Sioux City, Iowa (VII, 7-12-76) (U.S. Enviro-Con Inc.)
10. Sacramento, California (IX, 9-9-76) (Air Products & Chemicals Inc.)
11. Bergen County, New Jersey (II, 9-28-76) (Wm. L. Crow-Wolff & Munier, Joint Venture)
12. Palm Beach County, Florida (IV, 10-8-76) (Price Brothers)
13. Philadelphia, Pennsylvania (Northeast Plant) (III, 12-6-76) (Sovereign Construction Co.)
14. Waterford, Connecticut (I, 12-28-76) (New Ikor I)
15. Bradford, Vermont (I, 3-4-77) (Cummings)
16. Waterford, Connecticut (I, 3-4-77) (New Ikor II)
17. Sioux City, Iowa (VII, 3-17-77) (Ralph B. Carter Inc.; and U.S. Enviro-Con Inc.)
18. Puerto Rico Aqueduct and Sewer Authority (II, 3-31-77) (Blythe Industries Inc.)
19. Delano, California (IX, 4-8-77) (specification revision) (Hydro Conduit Corp. and Cen-Vi-Ro Concrete Pipe & Products Co., Inc.)
*20. Oklahoma City, Oklahoma (VI, 5-18-77) (Ingersoll-Rand I)
21. Miami-Dade Water and Sewer Authority, Florida (IV, 5-25-77) (Morganti South-Wolff & Munier Joint Venture and Intercounty Construction Corp.)
22. Watertown, New York (II, 7-5-77) (Vincent J. Fasano, Inc.)
23. Oklahoma City, Oklahoma (VI, 7-13-77) (Ingersoll-Rand II)
24. Toms Brook—Maurertown, Virginia (III, 9-20-77) (National Hydro Systems)
25. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)
26. Cranberry Township, Pennsylvania (III, 10-20-77) (Bay-Con Corp.)
27. Contra Costa County, California (IX, 10-25-77) (Armco Steel)
28. Loxahatchee River Environmental Control District, Florida (IV, 11-3-77) (Guy Villa & Sons Inc.)
29. Brick Township, New Jersey (II, 11-22-77) (P. & A. Construction Co.)
30. Bridgewater, New Jersey (II, 12-2-77) (Lombardo Contracting Co.)
31. Ramsey, New Jersey (II, 12-2-77) (P. & A. Construction Co.)
32. Corvallis, Oregon (X, 12-6-77) (Frank Coluccio Construction Co.)
33. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (BSP Division of Envirotech Corp.)

Engineering Judgment.

1. Hudson, Wyoming (VIII, 8-1-74) (Environmental Equipment Co.)
2. Grand Forks, North Dakota (VIII, 8-15-74) (Komline-Sanderson)
3. Lake Charles, Louisiana (VI, 12-15-74) (Flygt Corp.)
4. Englewood and Littleton, Colorado (VIII, 2-10-75) (Air Products and Chemicals Inc.)
5. District of Columbia (Blue Plains) (III, 2-20-75) (Kenics Corp.)
6. Appleton, Wisconsin (V, 5-17-76) (Philadelphia Mixers Corp.)
*7. Chatham Co., (Isle of Hope), Georgia (IV, 7-8-76) (Kyle-Gifford-Hill Inc.)
8. Sioux City, Iowa (VII, 7-12-76) (U.S. Enviro-Con)
9. Sacramento, California (IX, 8-12-76) (BBR Prestressed Tanks)
10. Miami-Dade Water and Sewer Authority, Florida (IV, 9-27-76) (Altman-Myers Construction Co.)
11. North Shore Sanitary District, Illinois (V, 9-28-76) (Keene Corp.; and Premier Electrical Construction Co.)
12. Cleveland Regional Sewer District (Southerly Plant), Ohio (V, 11-15-76) (Powercon Corp.)
13. Oxnard, California (IX, 12-1-76) (BBR Prestressed Tanks)
14. Fredonia, New York (II, 2-28-77) (National Hydro Systems)
15. Waterford, Connecticut (I, 3-4-77) (Loc Pump and Equipment)
16. Dothan, Alabama (IV, 3-10-77) (Infilco-Degremont)
17. Delano, California (IX, 4-8-77) (Hydro Conduit Corp. and Cen-Vi-Ro Concrete Pipe & Products Co., Inc.)
18, Sussex, Wisconsin (V, 4-14-77) (Fisher & Porter)
19. Montgomery, Alabama (IV, 5-11-77) (Envirotech Corp.)
20. Bernice, Louisiana (VI, 6-1-77) (performance data) (National Hydro Systems)
21. Watertown, New York (II, 7-5-77) (Vincent J. Fasano, Inc.)
22. Oklahoma City, Oklahoma (VI, 7-13-77) (Ingersoll-Rand II)
23. Cynthiana, Kentucky (IV, 8-11-77) (Lyco-ZF)
24. Hope, Arkansas (VI, 9-1-77) (burden of proof) (Hydro Conduit; Choctaw Culvert (Division of Choctaw Inc.); Jonesboro Concrete Pipe Co.)
25. Toms Brook—Maurertown, Virginia (III, 9-20-77) (National Hydro Systems)
26. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)
27. Amherst, New York (II, 11-22-77) (Smith & Associates)

Experience Requirements (§ 35.936-13(c)).

*1. Butler Co. (LeSourdsville Plant), Ohio (V, 1-7-76) (EPCO—Hormel)
2. Bernice, Louisiana (VI, 6-1-77) (National Hydro Systems)
3. Kansas City, Kansas (VII, 11-17-77) (Nichols Engineering & Research Corp.; and Zimpro)
4. Amherst, New York (II, 11-22-77) (Smith & Associates)
*5. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (BSP Division of Envirotech Corp.)

Equal Employment Opportunity, (40 CFR Part 8) (*see* also, *Responsiveness, but see Minority Business Enterprise*).

1. Philadelphia, Pennsylvania (Southwest Plant) (III, 2-28-75) (EO 11246—Philadelphia Imposed Plan) (Air Products & Chemicals Inc.; and Remsco Associates)
*2. Woonsocket, Rhode Island (I, 6-20-75) (EO 11246—Certificate) (Westcott)
3. Williston Township, Pennsylvania (III, 9-26-75) (EO 11246—Philadelphia Imposed Plan) (Tioga Electric Shop)
*4. Washington Surburban Sanitary Commission, Maryland (III, 12-4-75) (EO 11246—Washington Imposed Plan) (Fattore Construction Co.)
5. Sunnyvale, California (IX, 12-5-75) (EO 11246—Certificate) (ABF Contractors)
*6. Westerville, Ohio (V, 4-2-76) (EPA regulations, 40 CFR § 8.8) (Davis-McKee; and G. Igel)
7. Denver (City and County), Colorado (VIII, 7-9-76) (Frank Briscoe)
8. Occoquan-Woodbridge (Potomac Plant), Virginia (III, 11-12-76) (EO 11246—Washington Imposed Plan) (Briscoe/Courter/Conduit, Joint Venture)
9. Washington Suburban Sanitary Commission, Maryland (III, 3-2-77) (EO 11246—Washington Imposed Plan) (C.F. & B. and State Construction Corp., Joint Venture)
*10. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-3-77) (EO 11246—Certificate) (Palco; and Kraus-Anderson)
11. Ft. Lauderdale, Florida (IV, 7-18-77) (EO 11246—Certificate) (Inman Inc.)
*12. Huntington, Massachusetts (I, 8-29-77) (EO 11246—Certificate) (Warner Brothers)
13. Lower Salford Township, Pennsylvania (III, 11-12-77) (EO 11246—Washington Imposed Plan) (Gerngross Corp.)

Evaluation of Bids (but *see, Responsibility; Responsiveness; Formal Advertising; Negotiation; Mistake; Rejection of All Bids; Award-Prime Contracts*).

(A) *General Concepts:*

1. Denver (City), Colorado (VIII, 4-22-74) (Pinkard Donovan)

2. Davenport, Iowa (VII, 4-11-75) (Lametti & Sons)
3. Fresno, California (IX, 7-10-75) (Dorfman Construction Co.)
4. Gainesville-Alachua * * * Board, Florida (IV, 7-10-75) (Grumman Ecosystems)
5. Palmer Lake, Colorado (VIII, 1-16-76) (Dugan Construction Co.)
6. Huntington, West Virginia (III, 4-9-76) (National Engineering and Contracting Co.; and Envirotech Corp.)
7. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 5-13-76) (Blount Brothers)
8. Bergen County, New Jersey (II, 9-28-76) (Wm. L. Crow-Wolff & Munier, Joint Venture)
9. Concord, North Carolina (IV, 10-8-76) (Mercury Construction Co.)
10. Superior, Wisconsin (V, 12-1-76) (Acton Construction Co., Inc.)
11. Puerto Rico Aqueduct and Sewer Authority (II, 3-31-77) (Blythe Industries Inc.)
12. Sussex, Wisconsin (V, 4-14-77) (Fischer & Porter)
13. Montgomery, Alabama (IV, 5-11-77) (Envirotech)
14. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-24-77) (Eimco-BSP Services Co.)
15. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (Terminal Construction Co.)
16. Ft. Lauderdale, Florida (IV, 7-18-77) (Inman Incorporated)
17. Norwalk, Connecticut (I, 7-22-77) (Primiano Construction Co.)
18. Cheektowaga, New York (II, 8-31-77) (Amadori Construction Co.)
19. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)
20. Brick Township, New Jersey (II, 11-22-77) (P. & A. Construction Co.)
21. Ramsey, New Jersey (II, 12-2-77) (P. & A. Construction Co.)
22. Corvallis, Oregon (X, 12-6-77) (Frank Coluccio Construction Co.)

(B) *O. & M. Costs* (evaluation of):

1. Omaha, Nebraska (VII, 9-14-74) (Datamaster Division—ACCO)
2. Englewood & Littleton, Colorado (VIII, 2-10-75) (Air Products and Chemicals Inc.)
3. Ruston, Louisiana (VI, 3-18-76) (Allan J. Harris Co.)
4. Sacramento, California (IX, 10-6-76) (Air Products and Chemicals Inc.)
5. Pasadena, Texas (VI, 4-1-77) (also base bid) (Union Carbide Corp.)
6. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)

Finality of Administrative Determinations (§ 35.939(e)(3)) (but *see Reconsideration of Administrative Determinations*).

Formal Advertising (§ 35.938-4) (*see also, Choice of Law—Fundamental Federal Procurement Principles;* but *see, Mistake; Evaluation of Bids*).

1. Grand Forks, North Dakota (VIII, 8-15-74) (Komline-Sanderson)
2. Henry, South Dakota (VIII, 9-15-75) (in-state) (Henningsen Construction Co.)
3. South Portland, Maine (I, 10-7-75) (Pizzagalli Construction Co.)
4. Washington Surburban Sanitary Commission, Maryland (III, 10-15-75) (notice of state court case) (Volpe Construction Co.; and John C. Grimberg)
5. Monroe, Washington (X, 12-31-75) (Will Construction Co.)
6. St. Joseph, Missouri (VII, 2-20-76) (Addenda issuance) (Turzillo Contracting Co.)
7. Huntington, West Virginia (III, 4-9-76) (National Engineering and Contracting Co.; and Envirotech Corp.)
8. Phoenix, New York (II, 5-7-76) (Vincent J. Fasano)
9. Deposit, New York (II, 10-5-76) (reprocurement) (Albin Construction Corp.)
*10. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 12-3-76) (Kvalsten Electric)
11. Puerto Rico Aqueduct & Sewer Authority, (II, 3-31-77) (Blythe Industries Inc.)
12. Lynden, Washington (X, 5-16-77) (Arcomm Construction Co.)
*13. Bradford, Vermont (I, 6-6-77) (Carvel Co.)
14. Middlesex (Sayreville Relief Pump Station), New Jersey, (II, 6-9-77) (Terminal Construction Co.)
15. Parsippany-Troy Hills, New Jersey (II, 7-8-77) (Frank Briscoe)
16. Loxahatachee River Environmental Control District, Florida (IV, 11-3-77) (reprocurement) (Guy Villa & Sons)
17. Rawlins, Wyoming (VIII, 11-16-77) (Wind River Constructors Inc.)
18. Brick Township, New Jersey (II, 11-22-77) (P. & A. Construction Co.)

Grantee Responsibilities (§§ 30.210 and 35.936-5).

1. Sussex, Wisconsin (V, 4-14-77) (Fisher & Porter)
2. Bradford, Vermont (I, 6-6-77) (Carvel Co.)
3. Parsippany-Troy Hills, New Jersey (II, 7-8-77) (Frank Briscoe)

Jurisdiction (§ 35.939(j)) (but *see, System Design; A/E Procurement; Choice of Law—State Law; Subcontracts; Choice of Law—Federal Procurement Law*).

1. District of Columbia (Blue Plains) (III, 2-20-75) (§ 35.939(j)(5)) (Kenics Corp.)
2. Rhinelander, Wisconsin (V, 3-31-76) (subcontractor selection) (EPCO—Hormel)
3. Lowell, Massachusetts (I, 4-1-76) (§ 35.939(j)(3)) (United Electrical Contractors)
4. Lowell, Massachusetts (I, 4-2-76) (§ 35.939(j)(3)) (Honeywell Corp.)
5. Danville, Illinois (V, 4-15-76) (Honeywell Corp.)
6. Haverstraw, New York (II, 6-24-76) (Fletcher Creamer & Sons)
*7. Amherst, New York (II, 7-2-76) (Air Products & Chemicals, Inc.)
8. Denver (City & County), Colorado (VIII, 7-9-76) (Frank Briscoe)
9. McKinleyville Community Sanitary District (Humboldt County), California (IX, 8-13-76) (McGuire and Hester)
10. San Mateo, California (IX, 8-17-76) (§ 35.939 (j)(1) and (j)(3)) (Elmer Freethy)
11. Bridgeport, Connecticut (I, 11-22-76) (Connecticut Engineers in Private Practice)
12. Oxnard, California (IX, 12-1-76) (§ 35.939(j)(5)) (BBR Prestressed Tanks)
13. York, Pennsylvania (III, 4-22-77) (Union Carbide Corp.)
14. Omro, Wisconsin (V, 5-13-77) (§ 35.939(j)(6)) (Can-Tex)
*15. Oklahoma City, Oklahoma (VI, 5-18-77) (grantee involvement; by or for) (Ingersoll-Rand I)
16. Middlesex (Bound Brook Pump Station), New Jersey (II, 6-3-77) (Campenella Construction Co.)
17. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (Terminal Construction Co.)
18. San Francisco, California (IX, 6-20-77) (A/E; and § 35.939(j)(3)) (McKee-Berger-Mansueto Inc.)
19. Sonoma, California (IX, 6-30-77) (§ 35.939(j)(3)) (P. C. Jensen)
20. Newton, North Carolina (IV, 7-17-77) (project grant ineligible) (Carolina Concrete Pipe)
*21. Oklahoma City, Oklahoma (VI, 7-25-77) (grantee involvement; by or for) (Carborundem)
22. Cumming, Georgia (IV, 9-28-77) (Newkirk Construction Co.)
*23. McFarland, California (IX, 9-29-77) (grantee involvement; by or for) (Lagoon Aeration Corp.)
24. Orange County, California (IX, 11-2-77) (§ 35.939(j)(5)) (Pentech Division of Houdaille Industries)
25. Loxahatchee River Environmental Control District, Florida (IV, 11-3-77) (Guy Villa & Sons)
26. Amherst, New York (II, 11-22-77) (Smith & Associates)
27. Bridgewater, New Jersey (II, 12-2-77) (Lombardo Contracting Co.)
28. Monterey Peninsula Water Pollution Control Agency, California (IX, 12-9-77) (J. M. Bush)

Minority Busniess Enterprises (§ 35.936-7) (*but see Equal Employment Opportunity*).

Mistake.

1. Denver (City), Colorado (VIII, 4-22-74) (Pinkard Donovan)
2. Omaha, Nebraska (VII, 9-14-74) (offensive use) (Datamaster Div.—ACCO)
3. Davenport, Iowa (VII, 4-11-75) (Lametti & Sons)
4. Fresno, California (IX, 7-10-75) (Dorfman Construction Co.)

5. Clark County (Las Vegas), Sanitary District (No. 1), Nevada (IX, 12-24-75) (Bovee & Crail Construction Co.)

6. Bergen County, New Jersey (II, 9-28-76) (Wm. L. Crow-Wolff & Munier, Joint Venture)

7. Bradford, Vermont (I, 3-4-77) (Cummings)

8. Puerto Rico Aqueduct & Sewer Authority (II, 3-31-77) (Blythe Industries Inc.)

*9. Middlesex (Bound Brook Pump Station), New Jersey (II, 6-3-77) (Campenella Construction Co.)

10. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (Terminal Construction Co.)

11. Corvallis, Oregon (X, 12-6-77) (Frank Coluccio Construction Co.)

Negotiated Procurement (§§ 35.936-18 and 35.937-5).

*1. Spokane, Washington (X, 1-9-76) (BBR Prestressed Tanks)

2. Berkeley-Charleston-Dorchester, South Carolina (IV, 7-19-76) (§ 208 grant) (Davis & Floyd Engineers, Inc.)

3. Rhode Island Statewide Planning Program (I, 4-26-77) (§ 208 grant) (C. E. McGuire Inc.)

4. Bradford, Vermont (I, 6-6-77) (Carvel Co.)

Non-Restrictive Specifications (§ 35.936-13) (but *see, Sole Source Specifications; Experience Requirements; Specifications; see* also, *Engineering Judgment*).

1. Shreveport, Louisiana (VI, 6-1-74) (pipe liner) (Mainstay Corp.)

2. Hudson, Wyoming (VIII, 8-1-74) (Environmental Equipment Inc.)

3. Grand Forks, North Dakota (VIII, 8-15-74) (Komline-Sanderson)

*4. Lake Charles, Louisiana (VI, 12-15-74) (Flygt Co.)

5. District of Columbia (Blue Plains) (III, 2-20-75) (Kenics Corp.)

6. Tonawanda, New York (II, 8-1-75) (Ingersoll-Rand)

7. Butler County (LeSourdsville Project), Ohio (V, 1-7-76) (grantee pre-approval) (EPCO—Hormel)

8. Fredonia, New York (II, 4-15-76) (Tenco Hydro/Aerosciences)

*9. Chatham County (Isle of Hope), Georgia (IV, 7-8-76) (pipe) (Kyle-Gifford-Hill Inc.)

10. Sioux City, Iowa (VII, 3-12-76) (U.S. Enviro-Con)

11. Sacramento, California (IX, 8-12-76) (BBR Prestressed Tanks Inc.)

12. Sacramento, California (IX, 9-13-76) (Amoco Reinforced Plastics)

13. North Shore Sanitary District, Illinois (V, 9-28-76) (Keene Corp.; and Premier Electrical Construction Co.)

*14. Greenwood (Rocky-Coronaca), South Carolina (IV, 10-6-76) (pipe; clay v. concrete) (Metromount Materials; Carolina Concrete Pipe Co.; Wallace Concrete Pipe Co., Inc.; South Carolina Pipe Association; Amoco Reinforced Plastics Co.)

15. Sacramento, California (IX, 10-6-76) (Air Products & Chemicals Inc. II)

16. Palm Beach County, Florida (IV, 10-8-76) (pipe; sole source) (Price Brothers)

17. Baton Rouge, Louisiana (VI, 11-5-76) (National Hydro-System)

18. Cleveland Regional Sewer District (Southerly Plant) (V, 11-15-76) (Powercon Corp.)

19. Superior, Wisconsin (V, 12-1-76) (Acton Construction Co. Inc.)

20. Waterford, Connecticut (I, 12-28-76) (New Ikor I)

21. Fredonia, New York (II, 2-28-77) (National Hydro Systems)

22. Waterford, Connecticut (I, 3-9-77) (Loc Pump & Equipment Co.)

23. Dothan, Alabama (IV, 3-10-77) (shop drawing evaluation) (Infilco-Degremont)

24. Sioux City, Iowa (VII, 3-17-77) (Ralph B. Carter Inc.; and U.S. Enviro-Con Inc.)

25. Pasadena, Texas (VI, 4-1-77) (Union Carbide Corp.)

26. Delano, California (IX, 4-8-77) (pipe) (Hydro Conduit Corp. and Cen-Vi-Ro Concrete Pipe & Products Co., Inc.)

27. Fairfax, Virginia (III, 4-14-77) (Concrete Pipe & Products Inc.)

28. Montgomery, Alabama (IV, 5-11-77) (Envirotech)

29. Marion, North Carolina (IV, 5-17-77) (pipe) (Carolina Concrete Pipe Co.)

30. Oklahoma City, Oklahoma (VI, 5-18-77) (Ingersoll-Rand I)

31. Miami-Dade Water and Sewer Authority, Florida (IV, 5-25-77) (grantee approval) (Morganti South-Wolff Munier (Joint Venture); and Intercounty Construction Corp.)

32. Bernice, Louisiana (VI, 6-1-77) (National Hydro Systems)

33. Watertown, New York (II, 7-5-77) ("or equal," grantee review) (Vincent J. Fasano)

34. Oklahoma City, Oklahoma (VI, 7-13-77) (Ingersoll-Rand II)

35. Norwalk, Connecticut (I, 7-22-77) (Primiano Construction Co.)

36. Cynthiana, Kentucky (pre-selection) (IV, 8-11-77) (Lyco-ZF)

37. Jackson, Mississippi (IV, 8-19-77) (pipe) (American Cast Iron Pipe Co.)

38. Hope, Arkansas (VI, 9-1-77) (Hydro Conduit; Choctaw Culvert (Div. of Choctaw Inc.); Jonesboro Concrete Pipe Co.)

39. Toms Brook-Maurertown, Virginia (III, 9-20-77) (pre-selection) (National Hydro Systems)

40. Cranberry Township, Pennsylvania (III, 10-20-77) (pre-selection) (Bay-Con Corp.)

41 Contra Costa County, California (IX, 10-25-77) (pipe) (Armco Steel)

42. Orange County, California (IX, 11-2-77) (Pentech Division of Houdaille Industries)

43. Kansas City, Kansas (VII, 11-17-77) (experience) (Nichols Engineering & Research Corp.; and Zimpro)

44. Amherst, New York (II, 11-22-77) (Smith & Associates)

Patents (§ 30.500).

Procedure (§ *35.939(f)*) (*See* also, *Standing; Time Limitations; Jurisdiction; Summary Dispositions; Burden of Proof; Review—Regional Administrator Authority*).

1. Shreveport, Louisana (VI, 6-1-74) (Section 8 grant) (Mainstay Corp.)

2. Jacksonville, Florida (IV, 8-12-74) (protest pre-regulation) (Adrian Construction Co.)

3. Haverstraw, New York (II, 6-24-76) (Fletcher Creamer & Sons)

4. Chatham County (Isle of Hope), Georgia (IV, 7-8-76) (pre-bid protest resolution) (Kyle-Gifford-Hill Inc.)

5. Denver (City and County), Colorado (VIII, 7-9-76) (Frank Briscoe)

6. Cayce, South Carolina (IV, 7-18-76) (Southeastern Concrete Products Co.)

7. Berkeley-Charleston-Dorchester, South Carolina (IV, 7-19-76) (§ 208 grant) (Davis & Floyd Engineers Inc.)

8. Boynton Beach/Delray Beach Florida (IV, 10-14-76) (oral protest) (Ecological Services Products Inc.)

9. Lynn, Massachusetts (I, 10-21-76) (pre-grant award) (Clinton Bogert Associates)

10. Detroit, Michigan (V, 11-10-76) (Lotepro Corp.)

11. Waterford, Connecticut (I, 3-9-77) (Loc Pump and Equipment)

*12. Dothan, Alabama (IV, 3-10-77) (full Regional Administrator review in place of Grantee) (Infilco Degremont)

13. York, Pennsylvania (III, 4-22-77) (Union Carbide Corp.)

14. Atlanta, Georgia (IV, 5-11-77) (Mayer & Associates)

15. Bernice, Louisiana (VI, 6-1-77) (simultaneous mailing issue)

16. Cynthiana, Kentucky (IV, 8-11-77) (Lyco-ZF)

*17. Lower Salford Township, Pennsylvania (III, 9-8-77) (Gerngross Corp.)

18. Cumming, Georgia (IV, 9-28-77) (Newkirk Construction Co.)

19. Cranberry Township, Pennsylvania (III, 10-20-77) (Bay-Con Corp.)

20. Contra Costa County, California (IX, 10-25-77) (Armco Steel)

21. Orange County, California (IX, 11-2-77) (Pentech Division of Houdaille Industries)

22. Amherst, New York (II, 11-22-77) (Smith & Associates)

23. Bridgewater, New Jersey (II, 12-2-77) (Lombardo Contracting Co.)

24. Corvallis, Oregon (X, 12-6-77) (pre-grant approval) (Frank Coluccio Construction Co.)

Program Integrity (§ 30.245).

*1. Daytona Beach, Florida (IV, 6-21-77) (Hydro-Clear Corp.)

Rational Basis Test.

1. Hannibal, Missouri (VII, 2-15-74) (Sammons Construction Co.)

2. Omaha, Nebraska (VII, 9-14-74) (Datamaster Div.—ACCO)
3. Gainesville-Alachua * * * Board, Florida (IV, 7-10-75) (Grumman Ecosystems Corp.)
4. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (George Hyman Construction Co.)
5. Ruston, Louisiana (VI, 3-18-76) (Allan H. Harris Co.)
6. Lowell, Massachusetts (I, 4-1-76) (United Electrical Contractors)
7. Lowell, Massachusetts (I, 4-2-76—(Honeywell Corp.)
8. Phoenix, New York (II, 5-7-76) (Vincent J. Fasano)
9. Chatham County (Isle of Hope), Georgia (IV, 7-8-76) (Kyle-Gifford-Hill Inc.)
10. Berkeley-Charleston-Dorchester, South Carolina (IV, 7-19-76) (§ 208 grant) (Davis & Floyd Engineers Inc.)
11. Sacramento, California (IX, 8-12-76) (BBR Prestressed Tanks)
12. Miami-Dade Water & Sewer Authority, Florida (IV, 9-27-76) (Altman-Myers Construction Co.)
*13. Concord, North Carolina (IV, 10-8-76) (Mercury Construction Co.)
14. Philadelphia, Pennsylvania (Northeast Plant) (III, 12-6-76) (Sovereign Construction Company)
15. Bradford, Vermont (I, 3-4-77) (Cummings)
*16. Dothan, Alabama (IV, 3-10-77) (Infilco Degremont)
17. Pasadena, Texas (VI, 4-1-77) (Union Carbide Corp.)
18. Sussex, Wisconsin (V, 4-14-77) (Fischer & Porter)
19. Rhode Island Statewide Planning Program (I, 4-26-77) (§ 208 grant) (C. E. Maguire Inc. II)
20. Montgomery, Alabama (IV, 5-11-77) (Envirotech)
21. Lynden, Washington (X, 5-16-77) (Arcomm Construction Co.)
22. Ceres, California (IX, 6-20-77) (W. M. Lyles Co.)
23. Ft. Lauderdale, Florida (IV, 7-18-77) (Inman Inc.)
24. Cynthiana, Kentucky (IV, 8-11-77) (Lyco-ZF)
25. Jackson, Mississippi (IV, 8-19-77) (American Cast Iron Pipe Co.)
26. McFarland, California (IX, 9-29-77) (Lagoon Aeration Corp.)

Reconsideration of Administrative Determinations (but *see, Finality of Administrative Determinations*).

1. Detroit, Michigan (V, 11-23-76) (denied) (Lotepro Corp.)
2. North Shore Sanitary District, Illinois (V, 2-27-77) (denied) (Biospherics Inc.)
3. Delano, California (IX, 4-15-77) (denied) (California Vitrified Clay Pipe Manufacturers)
*4. Ft. Lauderdale, Florida (IV, 9-1-77) (denied) (Vito's Trucking & Excavating Co.)
5. Jackson, Mississippi (IV, 10-25-77) (denied) (American Cast Iron Pipe Co.)

Rejection of All Bids (§ 35.938-4(h)(2), and *see*, PRM 78-8 published at 43 FR 14725-26, April 7, 1978) (also *see, Enforcement*).

1. Philadelphia, Pennsylvania (Southwest Plant) (III, 2-28-75) (EEO) (Air Products & Chemicals Inc.; and Remsco Assoc.)
*2. Henry, South Dakota (VIII, 9-15-75) (cogent and compelling reason standard) (Henningsen Construction Co.)
3. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 11-3-75) (Blount Brothers; and Darin & Armstrong)
*4. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (rational basis standard) (George Hyman Construction Co.)
5. Chicago (Metropolitan Sanitary District of Greater Chicago), Illinois (V, 3-23-76) (above Engineer's estimate) (Blount Brothers)
6. DePere, Wisconsin (V, 5-17-76) (Holiday Court Co.)
7. Berrien County, Michigan (V, 6-15-76) (above Engineer's estimate) (J. P. Reilly)
8. Bergen County, New Jersey (II, 9-28-76) (EPA directed) (Wm. L. Crow-Wolff & Munier, Joint Venture)
9. Philadelphia, Pennsylvania (Northeast Plant) (III, 12-6-76) (EPA concurrence function; unbalanced bid, denial) (Sovereign Construction Co.)
10. Bradford, Vermont (I, 3-4-77) (Cummings)
11. Puerto Rico Aqueduct and Sewer Authority (II, 3-31-77) (EPA directed) (Blythe Industries Inc.)
12. Norwalk, Connecticut (I, 7-22-77) (EPA concurrence function; initial denial; grantee option) (Primiano Construction)
13. Bridgewater, New Jersey (II, 12-2-77) (unbalanced bid) (Lombardo Contracting Co.)
14. Corvallis, Oregon (X, 12-6-77) (EPA directed) (Frank Coluccio Construction Co.)

Responsibility (§§ 35.936-15, 30.340-2).

(A) *General:*

*1. Hannibal, Missouri (VII, 2-15-74) (procedural requirements) (Sammons Construction)
*2. Hollywood, Florida (IV, 3-13-74) (parent-subsidiary relationship) (Morganti-South, Inc.)
3. Lexington, Virginia (III, 8-14-74) (of equipment supplier; standards) (Hydro-Systems, Inc.)
*4. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 11-13-75) (descriptive literature; *vs.* responsibility) (John C. Grimberg Co., Inc.)
*5. Phoenix, New York (II, 5-7-76) (grantee burden of proof) (Vincent J. Fasano, Inc.)
6. Round Hill, Virginia (III, 5-13-76) (subcontract information; past practices) (Frank L. Black, Jr., Inc.)
*7. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 6-24-76) (subcontractor listing requirement; *vs.* responsibility) (Savoy Construction Co.)
8. Kansas City, Kansas (VII, 11-17-77) (applicable standards to subcontract award) (Nichols Engineering & Research; and Zimpro Inc.)
9. Pepperell, Massachusetts (I, 11-22-77) (grantee judgment; past practices) (Catamount Corp.)

(B) *Licensing:*

*1. Jacksonville, Florida (IV, 8-12-74) (State construction industry board license) (Adrian Construction Co.)
*2. Tahoe-Truckee Sanitation Agency, California (IX, 8-21-75) (State landscaping license) (Jos. Ramos and Contri-Hood)

Responsiveness (*See* also *Equal Employment Opportunity; Waiver*).

*1. Hollywood, Florida (IV, 3-13-74) (equipment listing) (Morganti-South, Inc.)
2. Denver (City), Colorado (VIII, 4-22-74) (Pinkard Donovan)
3. Jacksonville, Florida (IV, 8-12-74) (State construction industry board license) (Adrian Construction Co.)
4. Manitowoc, Wisconsin (V, 12-18-74) (Absence of bid bond) (P. A. Lawrence Co.)
5. Philadelphia, Pennsylvania (Southwest Plant) (III, 2-28-75) (EO 11246—Philadelphia Plan compliance) (Air Products & Chemicals, Inc. and Remsco)
6. Clearwater, Florida (IV, 3-14-75) (subcontractor listing) (Harry Pepper & Associates)
7. Alexandria, Virginia (III, 4-4-75) (exclusion of State sales taxes) (John C. Grimberg Inc.)
8. Woonsocket, Rhode Island (I, 6-20-75) (EO 11246—Certificate of prior work; *vs.* responsibility) (Westcott Construction Co.)
9. Gainesville-Alachua * * * Board, Florida (IV, 7-10-75) (ambiguous specification; bid notation) (Grumman Ecosystems)
10. Tahoe-Truckee Sanitation Agency, California (IX, 8-21-75) (license; *vs.* responsibility) (Jos. Ramos and Contri-Hood)
11. Williston Township, Pennsylvania (III, 9-26-75) (EO 11246—Philadelphia Imposed Plan) (Tioga Electric Shop)
12. South Portland, Maine (I, 10-7-75) (equipment pump-performance data) (Pizzagalli Construction Co.)
13. Washington Suburban Sanitary Commission, Maryland (III, 10-15-75) (subcontractor listing) (Volpe Construction Co., and John C. Grimberg)
14. Calhoun County, Michigan (V, 11-13-75) (unit pricing) (North Construction Co.)
*15. Upper Occoquan Sewer Authority (Manassas Park), Virginia (III, 11-13-75) (descriptive literature; *vs.* responsibility)

*16. Winter Haven, Florida (IV, 11-26-75) (prime contractor work identification; subcontractor listing) (Griffin Construction Co.)

17. Washington Suburban Sanitary Commission, Maryland (III, 12-4-75) (EO 11246—Washington Imposed Plan compliance; trade applicability "de minimis" theory) (Fattore Construction Co.)

*18. Monroe, Washington (X, 12-31-75) (Two bites theory; bid exception) (Will Construction Co.)

19. Ruston, Louisiana (VI, 3-18-76) (price escalation in bid) (Allan H. Harris & Co.)

20. Chicago (Metropolitan Sanitary District of Greater Chicago), Illinois (V, 3-23-76) (exception to specifications; qualified bid) (Blount Brothers)

*21. Westerville, Ohio (V, 4-2-76) (EEO, EPA regulations at 40 CFR § 8.8) (Davis-McKee and G. Igel)

22. Sioux City, Iowa (VII, 7-12-76) (listing of approved equipment supplier; grantee pre-contract judgment) (U.S. Enviro-Con)

23. Occoquan-Woodbridge (Potomac Plant), Virginia (III, 11-12-76) (EO 11246—Washington Plan compliance) (Briscoe/Courter/Conduit—Joint Venture)

24. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 12-3-76) (acknowledgement of addenda) (Kvalsten Electric)

25. Gregory, South Dakota (VIII, 1-4-77) (Schweigert Construction Co.)

26. Washington Suburban Sanitary Commission, Maryland (III, 3-2-77) (EO 11246—Washington Imposed Plan compliance; no covered trade) (C. F. & B. and State Construction Corp.—Joint Venture)

27. Ceres, California (IX, 6-20-77) (subcontractor listing) (W. M. Lyles Co.)

28. Ft. Lauderdale, Florida (IV, 7-18-77) (price omission) (Inman Inc.)

29. Huntington, Massachusetts (I, 8-29-77) (EO 11246—Certificate) (Warner Brothers)

30. Lower Salford, Pennsylvania (III, 9-8-77) (EO 11246—Washington Imposed Plan application by project amount) (Gerngross Corp.)

Review—Regional Administrator Authority (*See* also *Procedure; but see Sua Sponte Review*).

1. Englewood and Littleton, Colorado (VIII, 2-10-75) (Air Products & Chemicals Inc.)

*2. Fresno, California (IX, 7-10-75) (Dorfman Construction Co.)

3. Cleveland Regional Sewer District, (Westerly Plant) Ohio (V, 11-3-75) (Blount Brothers; Darin and Armstrong)

4. Haverstraw, New York (II, 6-24-76) (Fletcher Creamer & Son)

5. Lynn, Massachusetts (I, 10-21-76) (Clinton Bogert Assoc.)

6. Detroit, Michigan (V, 11-10-76) (Lotepro Corp.)

7. Waterford, Connecticut (I, 3-4-77) (Loc Pump & Equipment)

*8. Dothan, Alabama (IV, 3-10-77) (infilco Degremont)

9. York, Pennsylvania (III, 4-22-77) (Union Carbide Corp.)

10. Atlanta, Georgia (IV, 5-11-77) (Mayer and Associates)

11. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-24-77) (Eimco-BSP Services)

12. Cynthiana, Kentucky (IV, 8-11-77) (Lyco-ZF)

13. Jackson, Mississippi (IV, 8-19-77) (American Cast Iron Pipe Co.)

14. Lower Salford, Pennsylvania (III, 9-8-77) (Gerngross Corp.)

15. Cumming, Georgia (IV, 9-28-77) (Newkirk Construction Co.)

16. Cranberry Township, Pennsylvania (III, 9-30-77) (Bay-Con Corp.)

Small Business—Procurement of (§ 35.936-7).

*1. Cleveland Regional Sewer District, (Southerly Plant) Ohio (V, 11-15-76) (Powercon Corp.)

2. Bernice, Louisiana (VI, 6-1-77) (National Hydro Systems)

Sole Source Procurement (§ 35.936-13(b)).

1. Lake Charles, Louisiana (VI, 12-15-74) (Flygt Corp.)

2. Tonawanda, New York (II, 8-1-75) (Ingersoll-Rand)

3. Palm Beach County, Florida (IV, 10-8-76) (pipe) (Price Brothers)

4. Cranberry Township, Pennsylvania (III, 9-30-77) (Bay-Con Corp.)

Specifications (*but see Non-Restrictive Specifications; see* also, *Engineering Judgments*).

1. Omaha, Nebraska (VII, 9-14-74) (unbalanced bid) (Datamaster Div.—ACCO)

2. Gainesville-Alachua * * * Board, Florida (IV, 7-10-75) (ambiguity; bid notation; addenda) (Grumman Ecosystems)

3. Washington Suburban Sanitary Commission, Maryland (III, 10-15-75) (Volpe Construction Co., and John C. Grimberg Inc.)

4. Westchester County, New York (II, 9-7-76) (minimum needs; competition) (Union Carbide Corp.)

5. Bergen County, New Jersey (II, 9-28-76) (words-numbers reconciliation) (Wm. L. Crow Construction Co.-Wolff & Munier, Inc.—Joint Venture)

*6. North Shore Sanitary District, Illinois (V, 9-28-76) (salient performance characteristics) (Keene Corp.; and Premier Electrical Construction Co.)

7. Philadelphia, Pennsylvania (Northeast Plant) (III, 12-6-76) (unbalanced bid) (Sovereign Construction Co.)

Standing.

1. Westchester County, New York (II, 3-3-76) (trade association) (General Building Contractors)

2. Baton Rouge, Louisiana (VI, 11-5-76) (National Hydro Systems, Inc.)

3. Bridgeport, Connecticut (I, 11-22-76) (interested parties-associations) (Connecticut Engineers in Private Practice)

4. Rhode Island Statewide Planning Program (§ 208 grant) (I, 3-4-77) (non-offeror to RFP) (C. E. Maguire, Inc.)

*5. York, Pennsylvania (III, 4-22-77) (subcontractor protest of prime award issue) (Union Carbide Corp.)

6. Montgomery, Alabama (IV, 5-11-77) (subcontractor - non - restrictive specifications) (Envirotech Corp.)

7. Daytona Beach, Florida (IV, 6-21-77) (subcontractor protest of prime award; *accord York, Pa.*) (Hydro-Clear Corp.)

*8. Norwalk, Connecticut (I, 7-22-77) (no valid bid due to price increase on bid extension) (Primiano Construction Co.)

9. McFarland, California (IX, 9-29-77) (subcontractor protest of engineering evaluation; *vs.* grantee involvement rule) (Lagoon Aeration Corp.)

10. Contra Costa County, California (IX, 10-25-77) (Armco Steel)

11. Loxahatchee River Environmental Control District, Georgia (IV, 11-3-77) (contract disputes; reprocurement) (Guy Villa & Sons)

12. Brick Township, New Jersey (II, 11-22-77) (P. & A. Construction Inc.)

13. Monterey Peninsula Water Pollution Control Agency, California (IX, 12-9-77) (J. M. Bush)

14. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (Restrictive Specifications—Experience) (BSP Division of Envirotech Corp.)

Sua Sponte Review (§§ 35.935-2 and 35.939(f)(6) (*see* also, *Review—Regional Administrator Authority.*

*1. Bergen County, New Jersey (II, 9-28-76) (State law; competition) (Wm. L. Crow Construction Co.-Wolff & Munier Inc.—Joint Venture)

2. Norwalk, Connecticut (I, 11-16-76) (Regional Administrator remedy notwithstanding protest dismissal) (Brunalli Construction Co.)

3. Waterford, Connecticut (I, 3-4-77) (continuing Regional Administrator review notwithstanding protest dismissal-timeliness) (New Ikor II)

*4. Sussex, Wisconsin (V, 4-14-77) (grantee involvement; delegation to agent) (Fischer & Porter)

*5. York, Pennsylvania (III, 4-22-77) (policy/regulation review) (Union Carbide Corp.)

6. Parsippany-Troy Hills, New Jersey (II, 7-8-77) (Frank Briscoe Co.)

*7. McFarland, California (IX, 9-28-77) (grantee procurement rule) (Lagoon Aeration Corp.)

*8. Loxahatchee River Environmental Control District, Georgia (IV, 11-3-77) (contract dispute; reprocurement) (Guy Villa & Sons, Inc.)

9. Brick Township, New Jersey (II, 11-22-77) (bid expiration, bidder ineligibility) (P. & A. Construction Co.)

*10. Bridgewater, New Jersey (II, 12-2-77) (mootness; State law) (Lombardo Contracting Co.)

11. Ramsey, New Jersey (II, 12-2-77) (timeliness) (P. & A. Construction Co.)

12. Corvallis, Oregon (X, 12-6-77) (Frank Coluccio Construction Co.)

13. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (EPA regulatory-policy review) (BSP Division of Envirotech Corp.)

Subcontracts, Award of (§§ 35.938-9, and 35.939(j)(6)).

1. Hollywood, Florida (IV, 3-13-74) (equipment manufacturer listing) (Morganti-South Inc.)

2. Jacksonville, Florida (IV, 8-12-74) (Subcontractor listing) (Adrian Construction Co.)

3. Lexington, Virginia (III, 8-14-74) (performance bond) (Hydro-Systems, Inc.)

*4. Grand Forks, North Dakota (VIII, 8-15-74) (Restrictive Specification; award to prime with low equipment offer) (Komline-Sanderson)

5. Omaha, Nebraska (VII, 9-14-74) (Datamaster Division—ACCO)

*6. Clearwater, Florida (IV, 3-14-75) (equipment suppliers listing) (Harry Pepper & Associates)

7. Tonawanda, New York (II, 8-1-75) (Restrictive Specifications—sole source) (Ingersoll-Rand)

*8. Washington Surburban Sanitary Commission, Maryland (III, 10-15-75) (equipment supplier listing; State law) (Volpe Construction Co. and John C. Grimberg Co.)

9. Winter Haven, Florida (IV, 11-26-75) (subcontractor listing work amount) (Griffin Construction Co.)

10. St. Joseph, Missouri (VI, 2-20-76) (Turzillo Contracting Co.)

*11. Miami-Dade Water and Sewer Authority, Florida (IV, 3-11-76) (equipment item listing; bid shopping) (George Hyman Construction Co.)

12. Rhinelander, Wisconsin (V, 3-31-76) (substitution; business judgment) (EPCO-Hormel)

13. Lowell, Massachusetts (I, 4-1-76) (State law issues; business judgment; substitution (United Electrical Contractors)

14. Lowell, Massachusetts (I, 4-2-76) (State law issues; business judgment; substitution) (Honeywell Corp.)

15. Danville, Illinois (V, 4-15-76) (Honeywell Corp.)

*16. Upper Occoquan Sewer Authority, Virginia (III, 6-24-76) (subcontractor listing; amount of work to be performed) (Savoy Construction Co.)

17. Amherst, New York (II, 7-2-76) (substitution of supplier during prime contract performance) (Air Products & Chemicals, Inc.)

18. Denver (City and County), Colorado (VIII, 7-9-76) (Frank Briscoe)

19. Sioux City, Iowa (VII, 7-12-76) (listing preapproved subcontractor) (U.S. Enviro-Con)

20. Westchester County, New York (II, 9-7-76) (competition among systems) (Union Carbide Corp.)

21. Sioux City, Iowa (VII, 3-17-77) (Restrictive Specifications; approved listing) (Ralph Carter and U.S. Enviro-Con)

22. Omro, Wisconsin (V, 5-13-77) (equipment substitution; business judgment) (Can-Tex Industries)

23. Oklahoma City, Oklahoma (VI, 5-18-77) (Restrictive Specifications; business judgment; grantee involvement; rational basis) (Ingersoll-Rand I)

24. Ceres, California (IX, 5-20-77) (equipment manufacturer listing) (W. M. Lyles Co.)

25. Watertown, New York (II, 7-5-77) (Vincent J. Fasano Inc.)

*26. Oklahoma City, Oklahoma (VI, 7-13-77) (Restrictive Specifications; evident and presumed equality; need for rational basis on technical judgments; competition) (Ingersoll-Rand II)

*27. Oklahoma City, Oklahoma (VI, 7-25-77) (Restrictive Specification; business judgment; grantee involvement) (Carborundum)

28. McFarland, California (IX, 9-28-77) (Engineering judgment *vs.* rational basis and grantee involvement) (Lagoon Aeration Corp.)

29. Kansas City, Kansas (VII, 11-17-77) (Experience of equipment supplier) (Nichols Engineering & Research; and Zimpro)

30. Amherst, New York (II, 11-22-77) (no technical review of "or equal" determination during prime contract performance) (E. C. Smith & Associates)

*31. Monterey Peninsula Water Pollution Control Agency, California (IX, 12-9-77) (J. M. Bush)

32. Passaic Valley Sewerage Commissioners, Newark, New Jersey (II, 12-10-77) (experience requirements; competition) (BSP Division of Envirotech Corp.)

Summary Disposition (§ 35.939(k)).

1. Westchester County, New York (II, 3-3-76) (standing-trade association; state law; vagueness) (General Building Contractors)

2. Bridgewater, New Jersey (II, 3-31-76) (state procedures for A/E negotiations) (Havens & Emerson)

3. Rhinelander, Wisconsin (V, 3-31-76) (subcontractor issue limitation rule—substitution) (EPCO-Hormel)

4. Lowell, Massachusetts (I, 4-1-76) (state law—substitution) (United Electrical Contractors)

5. Lowell, Massachusetts (I, 4-2-76) (state law—substitution) (Honeywell Corp.)

6. Fredonia, New York (II, 4-15-76) (timeliness—subtier) (Tenco Hydro/Aerosciences)

7. Appleton, Wisconsin (V, 5-17-76) (choice of alternate system design) (Philadelphia Mixers Corp.)

8. Haverstraw, New York (II, 6-24-76) (state law) (Fletcher Creamer & Son)

*9. Amherst, New York (II, 7-2-76) (supplier substitution) (Air Products & Chemicals Inc.)

10. Hancock, Michigan (V, 7-12-76) (timeliness) (Maclean Construction Co.)

11. Sacramento, California (IX, 8-12-76) ("or equal" technical challenge) (BBR Prestressed Tanks)

12. McKinleyville Comunity Services District (Humboldt County), California (IX, 8-13-76) (state law) (McGuire & Hester Co.)

*13. Sacramento, California (IX, 9-13-76) (timeliness—restrictive specification challenge) (Amoco Reinforced Plastics)

14. Deposit, New York (II, 10-5-76) timeliness—challenged reprocurement upon default of contractor) (Albin Construction Co.)

15. Boynton Beach/Delray Beach, Florida (IV, 10-14-76) (timeliness—subtier) (Ecological Services Products)

16. Concord, North Carolina (IV, 10-14-76) (timeliness—subtier) (Air Products & Chemicals Inc.)

17. Baton Rouge, Louisiana (IV, 11-5-76) (business judgment) (National Hydro Systems)

18. Detroit, Michigan (V, 11-10-76) (timeliness—subtier) (Lotepro Corp.)

19. Occoquan-Woodbridge (Potomac Plant), Virginia (III, 11-12-76) (EO 11246—Washington Imposed Plan—noncompliance) (Briscoe/Courter/Conduit—Joint Venture)

20. Danville, Illinois (V, 11-15-76) (Honeywell Corp.)

21. Norwalk, Connecticut (I, 11-16-76) (timeliness; but see sua sponte review) (Brunalli Construction Co.)

22. Oxnard, California (IX, 12-1-76) (design choice issue) (BBR Prestressed Tanks)

23. Gregory, South Dakota (VIII, 1-4-77) (bid informality) (Schweigert Construction Co.)

24. Fredonia, New York (II, 2-28-77) (timeliness—subtier; restrictive specification interpretation) (National Hydro Systems)

25. Rhode Island Statewide Planning Program (I, 3-4-77) (A/E procurement—standing—nonproposer) (C. E. Maguire)

*26. Waterford, Connecticut (I, 3-4-77) (timeliness—"or equal" challenge) (New Ikor II)

*27. York, Pennsylvania (III, 4-22-77) (standing; subcontract limitation issues) (Union Carbide Corp.)

28. Omro, Wisconsin (V, 5-13-77) (subcontract issue limitation rule) (Can-Tex)

29. Lynden, Washington (X, 5-16-77) (procedure—oral modification) (Arcomm Construction Co.)

*30. Marion, North Carolina (IV, 5-17-77) (timeliness—subtier—admission against interest) (Carolina Concrete Pipe Co.)

31. Bernice, Louisiana (VI, 6-1-77) (timeliness—subtier, restrictive specification issue—performance curves) (National Hydro Systems)

32. Middlesex (Bound Brook Pump Station), New Jersey (II, 6-7-77) (choice of law—state law—mistake issue) (Campenella Construction Co.)

33. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (mistake—grantee intent) (Terminal Construction Co.)

34. Daytona Beach, Florida (VI, 6-14-77) (timeliness—subtier; grantee's mailing of determination) (Key Power Systems, Inc.)

35. San Francisco, California (IX, 6-20-77) (A/E procurement—time; choice of law—state law) (McKee-Berger-Mansueto)

36. Sonoma, California (IX, 6-30-77) (timeliness, choice of law—state law) (P. C. Jensen)

37. Newton, North Carolina (IV, 7-17-77) (project grant ineligible) (Carolina Concrete Pipe)

38. Cayce, South Carolina (IV, 7-18-77) (timeliness—subtier) (Southeastern Concrete)

*39. Oklahoma City, Oklahoma (VI, 7-25-77) (subcontract issue limitation rule) (Carborundum)

40. Jackson, Mississippi (IV, 8-19-77) (restrictive specification—pipe; competition) (American Cast Iron Pipe Co.)

41. Huntington, Massachusetts (I, 8-29-77) (EEO—EO 11246 Certificate) (Warner Brothers)

42. Lower Salford, Pennsylvania (III, 9-8-77) (EEO—EO 11246 Washington Imposed Plan) (Gerngross Corp.)

43. Cumming, Georgia (IV, 9-28-77) (state law—compel issuance of payment and performance bond) (Newkirk Construction Co.)

44. Pepperell, Massachusetts (I, 11-22-77) (timeliness) (Catamount Construction Co.)

45. Bridgewater, New Jersey (II, 12-2-77) (moot—state appellate determination) (Lombardo Construction Co.)

46. Monterey Peninsula Water Pollution Control Agency, California (IX, 12-9-77) (subcontract limitation rule—standing) (J. M. Bush)

System Design, Choice of (§§ 35.917 and 35.939(j)(5)) (*See* also, *Engineering Judgment*).

1. Hudson, Wyoming (VIII, 8-1-74) (Environmental Equipment Co.)

*2. District of Columbia (Blue Plains) (III, 2-20-75) (submerged turbine aerators vs. without turbines) (Kenics Corp.)

3. St. Joseph, Missouri (VII, 2-20-76) (specification amendment which deletes use of a performance method) (Turzillo Contracting Co.)

4. Appleton, Wisconsin (V, 5-17-76) (engineering judgment) (Philadelphia Mixers)

5. Sacramento, California (IX, 10-6-76) (specifying O. & M. factors—energy efficiency) (Air Products and Chemicals Inc.)

6. Oxnard, California (IX, 12-1-76) (specification for digester prestressing) (BBR Prestressed Tanks)

7. Orange County, California (IX, 11-2-77) (oxygen generation facilities vs. alternate system) (Pentech Division of Houdaille Industries).

Time Limitations (§ 35.939(b)).

1. Denver, (City) Colorado (VIII, 4-22-74) (waiver, reversed by new regulations) (Pinkard Donovan)

2. Hudson, Wyoming (VIII, 8-1-74) (Environmental Equipment)

3. Omaha, Nebraska (VII, 9-14-74) (Datamaster Div.—ACCO)

4. Henry, South Dakota (VIII, 9-15-75) (Henningsen)

5. Oregon, Ohio (V, 11-6-75) (timeliness as jurisdictional) (Ohio Control Systems)

6. Sunnyvale, California (IX, 12-5-75) (oral protest—revised by new regulations) (ABF Contractors)

7. Butler County (LeSourdesville Plant), Ohio (V, 1-7-76) (restrictive specifications—subtier—grantee finality rule) (EPCO—Hormel)

*8. Spokane, Washington (X, 1-9-76) (restrictive specifications—grantee finality rule) (BBR Prestressed Tanks)

9. Palmer Lake, Colorado (VIII, 1-16-76) (grantee finality rule) (Dugan Construction Co.)

10. Predonia, New York (II, 4-15-76) (Tenco Hydro-Aerosciences)

11. Denver (City and County), Colorado (VIII, 7-9-76) (Frank Briscoe)

12. Hancock, Michigan (V, 7-12-76) (grantee decision to use negotiated procurement) (Maclean Construction Co.)

*13. Sacramento, California (IX, 9-9-76) (restrictive specifications—or equal—grantee's finality) (Air Products & Chemicals Inc.)

*14. Sacramento, California (IX, 9-13-76) (restrictive specifications—or equal—grantee's finality) (Amoco Reinforced Plastics)

*15. North Shore Sanitary District, Illinois (V, 9-28-76) (restrictive specifications—rejection of equipment—grantee finality rule) (Keene Corp.; Premier Electric Co.)

16. Deposit, New York (II, 10-5-76) (Albin Construction Co.)

*17. Boynton Beach/Delray Beach, Florida (IV, 10-14-76) (oral protest) (Ecological Services Products)

*18. Concord, North Carolina (IV, 10-14-76) (subtier—timely oral request but untimely written) (Air Products & Chemical Inc.)

19. Lynn, Massachusetts (I, 10-21-76) (A/E procurement; grantee finality rule) (Clinton Bogert Associates)

20. Baton Rouge, Louisiana (VI, 11-5-76) (restrictive specifications—subtier) (National Hydro Systems)

21. Detroit, Michigan (V, 11-10-76) (estoppel—bidder on second procurement to challenge rejection of all bids on first) (Lotepro Corp.)

22. Cleveland Regional Sewer District (Southerly Plant), Ohio (V, 11-15-76) (restrictive specifications) (Powercon Corp.)

23. Norwalk, Connecticut (I, 11-16-75) (letter to State) (Burnalli Construction Co.)

*24. Waterford, Connecticut (I, 12-28-76) (restrictive specifications—or equal; finality rule) (New Ikor I)

25. Fredonia, New York (II, 2-28-77) (restrictive specifications—subtier—equipment acceptability determination) (National Hydro Systems)

*26. Waterford, Connecticut (I, 3-4-77) (restrictive specifications—or equal) (New Ikor II)

*27. Dothan, Alabama (IV, 3-10-77) (restrictive specifications—or equal—grantee reversed) (Infilco Degremont)

28. Sioux City, Iowa (VII, 3-17-77) (restrictive specifications—rejection of shop drawings necessary) (Ralph Carter Co.; U.S. Enviro-Con)

29. Puerto Rico Aqueduct & Sewer Authority (II, 3-31-77) (carbon copy to local EPA office) (Blythe Industries Inc.)

30. Pasadena, Texas (VI, 4-1-77) (restrictive specifications—Subtier—grantee finality rule) (Union Carbide Corp.)

31. York, Pennsylvania (III, 4-22-77) (grantee finality rule stated) (Union Carbide Corp.)

32. Marion, North Carolina (IV, 5-17-77) (restrictive specifications—admission against interest), (Carolina Concrete Pipe)

33. Bernice, Louisiana (VI, 6-1-77) (restrictive specifications—subtier—performance data) (National Hydro Systems)

34. Bradford, Vermont (I, 6-6-77) (no simultaneous mailing; contract action as grantee's final act) (Carvel Co.)

35. Daytona Beach, Florida (IV, 6-14-77) (letter of intent to file—subsequent untimely filing) (Key Power Systems)

36. San Francisco, California (IX, 6-20-77) (A/E procurement—Newspaper column as notice) (McKee-Berger-Mansueto)

37. Parsippany-Troy Hills, New Jersey (II, 7-8-77) (knowledge of grantee finality from totality of facts) (Frank Briscoe)

38. Cayce, South Carolina (IV, 7-18-77) (restrictive specifications—pipe) (Southeastern Concrete)

39. Canonsberg-Houston Joint Authority, Pennsylvania (III, 7-2-77) (National Hydro Systems)

40. Cranberry Township, Pennsylvania (III, 9-30-77) (restrictive specifications—preapproval) (Bay-Con Corp.)

41. Pepperell, Massachusetts (I, 11-22-77) (not decisional—statement of notice rule) (Catamount Co.)

42. Ramsey, New Jersey (II, 12-2-77) (receipt of bid tabs does not start limitation period) (P. & A. Construction Co.)

Waiver.

1. Denver, (City) Colorado (VIII, 4-22-74) (price omission—subtier (1 item)) (Pinkard Donovan)

2. Manitowoc, Wisconsin (V, 12-18-74) (grantee cannot waive failure to include bid bond) (P. A. Lawrence Co.)

3. Alexandria, Virginia (III, 4-4-75) (non-computation of state taxes) (John C. Grimberg)

*4. Woonsocket, Rhode Island (I, 6-20-75) (failure to complete EO 11246 Certification of prior work) (Westcott)

5. South Portland, Maine (I, 10-7-75) (pump data) (Pizzagalli Construction Co.)

6. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 11-3-75) (rejection of all bids context—supply of subitem) (Blount Brothers and Darin & Armstrong)

*7. Sunnyvalle, California (IX, 12-5-75) (handwritten prices; EO 11246 Certificate; corporate by-laws-signor of bid) (ABF Contractors)

8. Monroe, Washington (X, 12-31-75) (stated exception in bid to design specifications) (Will Construction Co.)

9. Cleveland Regional Sewer District (Westerly Plant), Ohio (V, 5-13-76) (subcontractor list-broker issue) (Blount Brothers)

*10. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 12-3-76) (acknowledgement of addenda) (Kvalsten Electric)

11. Gregory, South Dakota (VIII, 1-4-77) (time schedule—work commencement and completion) (Schweigert Construction Co.)

*12. St. Paul (Metropolitan Waste Control Commission), Minnesota (V, 5-3-77) (listing of equipment of suppliers; EO 11246 Certification; and unit price supplemental schedule—add/deduct price difference) (Palco; Kraus-Anderson)

13. Middlesex (Sayreville Relief Pump Station), New Jersey (II, 6-9-77) (bid mistake—bidder intent test) (Terminal Construction Co.)

14. Ft. Lauderdale, Florida (IV, 7-18-77) (price omission—subtier) (Inman Corp.)

*15. Rawlins, Wyoming (VIII, 11-16-77) (late bid—5 minutes—other bids not opened) (Wind River Constructors Inc.)

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